

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

: SEALED
: INDICTMENT

- v. -

: 08 Cr.

LUIS FERNANDO MORA-PESTANA,
a/k/a "Virgilio Antonio Vidal :
Mora,"

a/k/a "Silver,"

JULIO ENRIQUE LEMOS-MORENO, :

a/k/a "Andres," :

HAROLD RUBEN SEGURA ALVAREZ, :

a/k/a "John Jairo," :

a/k/a "Cientifico," :

JUANITO CORDOBA-BERMUDEZ, :

a/k/a "Juanito," :

a/k/a "Chechere," and :

CECILIO COSTA, :

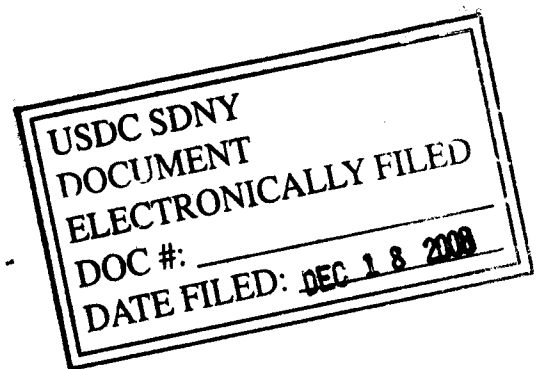
a/k/a "Cesar Perea," :

a/k/a "Costa," :

Defendants.

- - - - -X

08 CRIM 1290



COUNT ONE

(Conspiracy to Provide Material Support To A Foreign Terrorist
Organization)

The Grand Jury charges:

Background of The Conspiracy

1. From in or about 1964 through the date of filing of this Indictment, the Fuerzas Armadas Revolucionarias de Colombia (hereinafter, the "FARC") has been and is an international terrorist group dedicated to the violent overthrow of the democratically elected Government of Colombia. Since its inception, while continuing to engage in bombings, massacres, kidnappings, and other acts of violence within Colombia, the FARC

also evolved into the world's largest supplier of cocaine. The FARC has been designated by the United States Secretary of State as a foreign terrorist organization since October 1997, and has remained on the list of designees since that time. The European Union also has designated the FARC as a terrorist organization.

2. During at least the five years prior to the date of filing of this Indictment, the FARC has directed violent acts against United States persons and property interests in foreign jurisdictions, including, but not limited to, Colombia. In order to protect its financial interests in the cocaine trade, the FARC leadership has ordered its members to take counter-measures against the Government of Colombia's cocaine fumigation campaign, including, among other actions: attempting to shoot down fumigation aircraft; forcing members and supporters to publicly rally against fumigation; and attacking the Colombian infrastructure. Having recognized that the United States has contributed significantly to Colombian fumigation efforts, the FARC leadership has ordered FARC members to kidnap and murder United States citizens and to attack United States interests, at least partly in order to dissuade the United States from continuing its efforts to fumigate and disrupt the FARC's cocaine and cocaine paste manufacturing and distribution activities.

3. The FARC's violent acts directed against the United States and United States interests have included: (1) the murder

of United States nationals; (2) the kidnaping of United States nationals; and (3) the bombing of a restaurant in Bogota, Colombia, frequented by United States nationals.

4. The FARC is a highly structured terrorist organization, styled as a military group and comprised of approximately 10,000 armed guerillas organized into seven "blocs," 68 numbered "fronts," nine named fronts, and four urban "militias." The FARC's 57th Front has been charged by the FARC with the responsibility for attempting to obtain and retain, by military force, control over the Choco Department of Colombia, an area bordering the Republic of Panama.

5. The FARC's 57th Front supports its terrorist activities, and the terrorist activities of the FARC as a whole, through, among other means, narcotics trafficking and kidnaping, including the January 13, 2008 kidnaping of six foreign nationals in Colombia and the April 4, 2008 kidnaping of a United States national in Panama. Members of the FARC's 57th Front also attempted an act of piracy against a Panamanian police vessel on February 22, 2008, resulting in a shooting confrontation during which a Panamanian police officer was seriously injured. LUIS FERNANDO MORA-PESTANA, a/k/a "Virgilio Antonio Vidal Mora," a/k/a "Silver," and JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres, the defendants, are members of the leadership of the FARC's 57th Front. HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a

"Cientifico," JUANITO CORDOBA-BERMEDEZ, a/k/a "Juanito," a/k/a "Chechere," and CECILIO COSTA, a/k/a "Cesar Perea," a/k/a "Costa," the defendants, are associates of the 57th Front who support the front's supply and logistical operations.

Statutory Allegations

6. From at least in or about October 2007, up to and including the date of filing of this Indictment, in an offense in and affecting interstate and foreign commerce, begun and committed outside of the jurisdiction of any particular State or District of the United States, LUIS FERNANDO MORA-PESTANA, a/k/a "Virgilio Antonio Vidal Mora," a/k/a "Silver," JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," JUANITO CORDOBA-BERMEDEZ, a/k/a "Juanito," a/k/a "Chechere," and CECILIO COSTA, a/k/a "Cesar Perea," a/k/a "Costa," the defendants, at least one of will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate and agree together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, the FARC, which was designated by the United States Secretary of State as a foreign terrorist organization on or about October 8 1997, pursuant to Section 219 of the Immigration and Nationality Act; which has

remained on the list of designees since that time; whose most recent designation as a foreign terrorist organization was executed November 18, 2008, and which is currently designated as such, as of the date of filing of this Indictment.

7. It was a part and an object of the conspiracy that LUIS FERNANDO MORA-PESTANA, a/k/a "Virgilio Antonio Vidal Mora," a/k/a "Silver," JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," JUANITO CORDOBA-BERMUDEZ, a/k/a "Juanito," a/k/a "Chechere," and CECILIO COSTA, a/k/a "Cesar Perea," a/k/a "Costa," the defendants, and others known and unknown, would and did provide the FARC with weapons, communications equipment, narcotics proceeds, the proceeds of kidnaping for ransom, and personnel (including themselves), and other support and resources, knowing that the FARC had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and knowing that the FARC had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

OVERT ACTS

8. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed:

a. On or about February 22, 2008, off the coast of Panama, five FARC 57th Front guerrillas (unidentified co-conspirators 1 through 5, hereinafter referred to as "CC-1 through CC-5") traveling in a boat that had been used to transport cocaine, forcibly boarded a Panamanian police patrol boat and held Panamanian police officers at gunpoint, and subsequently engaged in a shootout with other Panamanian police, shooting one police officer in the face.

b. On or about February 22, 2008, off the coast of Panama, CC-1 through CC-5 were arrested by Panamanian police in possession of: explosives and detonators; four fully loaded AK-47 automatic weapons; one Galil rifle; machetes; approximately 708 live rounds of ammunition for the AK-47 and approximately 213 rounds for the Galil rifle; nine empty AK-47 magazines and five empty Galil magazines; six military backpacks containing personal items such as clothing and toiletries; communication equipment, including one portable radio and one cellphone with SIM card; FARC uniforms, including rubber military boots, arm bands, berets; and eleven camouflage uniforms.

c. On or about February 23, 2008, LUIS FERNANDO MORA-PESTANA, a/k/a "Virgilio Antonio Vidal Mora," a/k/a "Silver," and JUANITO CORDOBA-BERMUDEZ, a/k/a "Juanito," a/k/a "Chechere," the defendants, discussed the apprehension and possible injury or deaths of CC-1 through CC-5.

d. On or about February 23, 2008, LUIS FERNANDO MORA-PESTANA, a/k/a "Virgilio Antonio Vidal Mora," a/k/a "Silver," and JUANITO CORDOBA-BERMUDEZ, a/k/a "Juanito," a/k/a "Chechere," the defendants, discussed the firefight and arrests involving CC-1 through CC-5, and the seizure of the equipment in the possession of CC-1 through CC-5.

e. On or about February 24, 2008, LUIS FERNANDO MORA-PESTANA, a/k/a "Virgilio Antonio Vidal Mora," a/k/a "Silver," and JUANITO CORDOBA-BERMUDEZ, a/k/a "Juanito," a/k/a "Chechere," the defendants, discussed the events leading to the arrests of CC-1 through CC-5, and that CORDOBA-BERMUDEZ was attempting to hire an attorney for them.

f. On or about February 27, 2008, a communiqué was issued under the name of an element of the FARC, warning that the government of the Republic of Panama had put itself in a "dangerous situation" by "kidnapping 6 members of our army ... a couple of days ago," that "the FARC-EP [Ejercito del Pueblo, or Army of the People] maintains an adequately equipped and well-trained force of 6,000 men in the Choco Department," and

threatening that if the Panamanian government did not free the six individuals, the 57th Front had "been instructed to kidnap members of the Panamanian National Police, government officials, or local politicians to force the exchange."

g. On or about March 1, 2008, LUIS FERNANDO MORA-PESTANA, a/k/a "Virgilio Antonio Vidal Mora," a/k/a "Silver," and JUANITO CORDOBA-BERMUDEZ, a/k/a "Juanito," a/k/a "Chechere," the defendants, discussed the impact of the February 27, 2008 communiqué on the Panamanian legal proceedings against CC-1 through CC-5.

h. On or about March 12, 2008, JUANITO CORDOBA-BERMUDEZ, a/k/a "Juanito," a/k/a "Chechere," the defendant, and a co-conspirator not named as a defendant herein ("CC-6"), discussed a shipment of ten assault rifles by another co-conspirator not named as a defendant herein ("CC-7").

i. On or about March 12, 2008, at the border of Nicaragua and Costa Rica, CC-7 was arrested in possession of nine AK-47 assault rifles, and one Galil assault rifle.

j. On or about March 27, 2008, JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," and HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," the defendants, discussed a plan to bribe Panamanian prison officials to have CC-1 through CC-5 transferred to a lower-security prison, from which the

FARC's 57th Front could secure their release through escape or other corrupt means.

k. On or about March 27, 2008, JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," and HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," the defendants, had a discussion in which SEGURA ALVAREZ criticized LUIS FERNANDO MORA-PESTANA, a/k/a "Virgilio Antonio Vidal Mora," a/k/a "Silver," the defendant, for allowing CC-1 through CC-5 to be arrested in possession of explosives, and LEMOS-MORENO asked SEGURA ALVAREZ to purchase 50 pounds of powdered aluminum, a small amount of fertilizer, and a remote control.

l. On or about March 28, 2008, JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," and HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," the defendants, discussed a plan to effect the escape of CC-1 through CC-5 from Panamanian custody.

m. On or about March 30, 2008, JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," and HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," the defendants, discussed the planned purchase of a surface-to-air missile launcher through the Nicaraguan ambassador to Peru, and the delivery of the missile launcher by boat; the purchase of a Galil 5.56 rifle and 7.62 mm ammunition; and the shipment of cocaine to the United States.

n. On or about March 31, 2008, JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres, and HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," the defendants, discussed the purchase of weapons from corrupt representatives of the Nicaraguan government, including a G-3 assault rifle and 1,000 rounds of ammunition, and a machine gun similar to an M-60.

o. On or about April 4, 2008, JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," and HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," the defendants, discussed the loss of an M-60 machine gun and five rifles to law enforcement seizures.

p. On or about April 5, 2008, in a boat off the coast of Panama, HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," the defendant, and other co-conspirators not named as defendants herein, transported radios, satellite telephones, fertilizer, aluminum powder, and other items, which were seized by Panamanian authorities, as well as assault rifles, which were discarded before they could be seized.

q. On or about April 7, 2008, HAROLD RUBEN SEGURA ALVAREZ, a/k/a "John Jairo," a/k/a "Cientifico," and JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," the defendants, discussed the fact that prior to being boarded during the April 5, 2008 interception of SEGURA ALVAREZ's supply boat by Panamanian

authorities, SEGURA ALVAREZ's crew members threw a number of rifles overboard.

r. On or about April 4, 2008, in the vicinity of Costa del Este, Panama, co-conspirators not named as defendants herein, with the assistance of corrupt Panamanian police officers, kidnaped a United States citizen for ransom.

s. On or about April 7, 2008, JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," the defendant, and a co-conspirator not named as a defendant herein, discussed the identity of the United States citizen kidnaped in Panama on April 4, 2008, the arrest of a corrupt Panamanian police officer in connection with the kidnaping, and the need to hire an attorney for the corrupt officer to prevent him from cooperating with authorities.

t. On or about April 9, 2008, and again on or about April 10, April 14, and April 15, 2008, JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," and CECILIO COSTA, a/k/a "Cesar Perea," a/k/a "Costa," the defendants, discussed pending supply orders COSTA was fulfilling for LEMOS-MORENO, for items including, among other things, ice, yogurt, watches, clothing, rifles, eyeglasses, and satellite telephones.

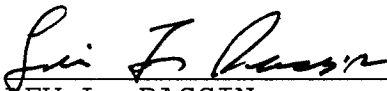
u. On or about August 30, 2008, near the Panamanian border, Panamanian authorities intercepted a truck carrying a shipment of approximately 11,000 rounds of AK-47 ammunition, as well as military uniforms, backpacks, and food

destined for members of the FARC 57th Front, and arrested the driver and a passenger.

v. On or about September 4, 2008, JULIO ENRIQUE LEMOS-MORENO, a/k/a "Andres," and CECILIO COSTA, a/k/a "Cesar Perea," a/k/a "Costa," the defendants, discussed whether a co-conspirator not named herein would provide a false alibi for one of the men arrested by Panamanian authorities on August 30, 2008 in connection with the ammunition seizure.

(Title 18, United States Code,
Sections 2339B(a)(1), (d)(1) and 3238).


FOREPERSON


LEV L. DASSIN
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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JUANITO CORDOBA-BERMUDEZ,
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a/k/a "Chechere," and
CECILIO COSTA,
a/k/a "Cesar Perea,"
a/k/a "Costa,"

Defendant.


INDICTMENT

08 Cr.

(18 U.S.C. § 2339B)

Lev L. Dassin
Acting United States Attorney.

A TRUE BILL


Foreperson.
